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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicants : JORN LEIBER ET AL.  
Serial No. : 08/976,820  
Filed : November 25, 1997  
For : USE OF AN ADHESIVE TAPE SECTION  
Art Unit : 1771  
Examiner : J. Guarriello

COPY OF PAPERS  
ORIGINALLY FILED

June 19, 2002

Hon. Commissioner of Patents  
Washington, D.C. 20231

**APPELLANT'S REPLY BRIEF ON APPEAL  
PURSUANT TO 37 CFR § 1.193(b)(1)**

**RECEIVED**  
JUL 8 - 2002  
**TC 1700**

SIR:

Certain comments made by the Examiner in the Examiner's Answer merit brief reply.

First, the Examiner says in the middle of page 7 of the Examiner's Answer that the cited combination of references "suggests the number of grip tabs can be equal to the sides of the polygon shaped adhesive." Appellants respectfully disagree, and respectfully submit that the cited combination of references does not anywhere teach the instant claimed relationship between the number of sides of the polygon and the number of grip tabs. The Examiner does not anywhere in the Examiner's Answer explain where this suggestion can be found in the cited

combination of references. Accordingly, Applicants respectfully request that the Honorable Board find that no such suggestion exists.

The Examiner had stated at the bottom of page 5 of the Examiner's Answer that Luhmann described grip tabs at column 2, lines 65-67. Appellants agree that grip tabs are taught by Luhmann, but Appellants have consistently argued that Luhmann did not teach the instant claimed relationship between the number of sides of the polygon and the number of grip tabs. Accordingly, this relationship is unaccounted for in the Examiner's case for obviousness.

The Examiner points to Luhmann at column 2, lines 65-67, and column 3, lines 1-2, as teaching that a grip tab can be designed "so that non-adhesive areas can extend around the edge of the piece of adhesive." However, the Examiner does not explain what this would have taught or suggested to a person having ordinary skill in the art. Appellants submit that by "around," Luhmann clearly does not mean that the non-adhesive areas surround the adhesive areas. Instead, Luhmann literally means that the non-adhesive areas can be folded around the edge of the tape so that on both the top and bottom faces the end of the tape is non-adhesive. This is illustrated, for example, in Example 8 at columns 5-6, where a 5 mm non-adhesive release film was folded over each end of an adhesive film strip to form non-adhesive tabs at each end.

For the foregoing reasons and for the reasons advanced in Appellants' principal brief, Appellants respectfully request that the Honorable Board reverse the final rejection.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Appellants request that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 14-1263.

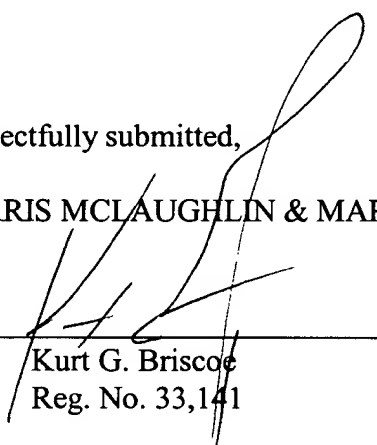
ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess to our Deposit Account No. 14-1263.

Respectfully submitted,

NORRIS MCLAUGHLIN & MARCUS, P.A.

By

  
Kurt G. Briscoe  
Reg. No. 33,141

220 East 42<sup>nd</sup> Street  
30<sup>th</sup> Floor  
New York, NY 10017  
(212) 808-0700

CERTIFICATE OF MAILING

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By

  
Kurt G. Briscoe



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Washington, D. C. 20231

**REQUEST FOR ORAL HEARING**

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TC 1700

Sir:

Pursuant to 37 CFR § 1.194(b), Applicant in the above-identified application requests an oral hearing before the Board of Appeals. Please charge the request fee as indicated herein below to Deposit Account No. 14-1263. A copy of this request is attached for accounting purposes.

The request fee is:

- ☒ \$280.00 for other than small entity  
☐ \$140.00 for small entity

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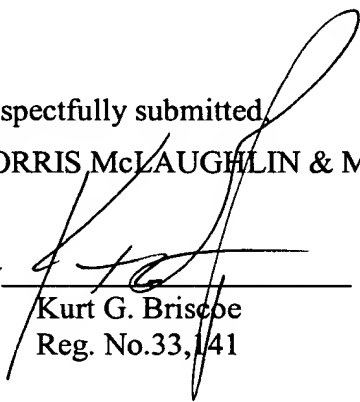
**CONDITIONAL PETITION FOR EXTENSION OF TIME**

If any extension of time for this response is required, Applicants request that this be considered a petition therefor. Please charge the required Petition fee to Deposit Account No. 14-1263.

**ADDITIONAL FEE**

Please charge any insufficiency of fees, or credit any excess to our Deposit Account No. 14-1263

Respectfully submitted,  
NORRIS McLAUGHLIN & MARCUS,

By   
Kurt G. Briscoe  
Reg. No. 33,141

KGB/ja

220 East 42<sup>nd</sup> Street  
30<sup>th</sup> Floor  
New York, New York 10017

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NORRIS McLAUGHLIN & MARCUS, P.A.

Date 6-19-02

By 